

FEB 02 2011

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

VINCENT R. LOFTON,

Plaintiff,

V.

E. LEE, MAIL CLERK,

Defendant.

Case No. 7:10CV00564

FINAL ORDER

By: Glen E. Conrad

Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that plaintiff's amendment (DE 8) is **GRANTED** and his complaint is hereby amended as therein stated, but that this civil action as amended is hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. §§ 1367(c) and 1915A(b)(1), and this action is stricken from the active docket of the court.

ENTER: This 1st day of February, 2011.

Gene Connell

Chief United States District Judge